

January 29, 1951.

Judiciary No. 1. By UHLENHOPP, SLOANE, STRAWMAN, PAUL,
MUNGER, AUBREY, POSTON and PEDRICK.

House File 250

Passed House, Date

Vote: Ayes..... Nays.....

Passed Senate, Date

Vote: Ayes..... Nays.....

Approved

A BILL FOR

An Act to amend section eighty-six point thirty-nine (86.39),
Code 1950, of chapter eighty-six (86), Code 1950,
relating to industrial commissioner.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Section eighty-six point thirty-nine (86.39),
2 Code 1950, is hereby amended by adding thereto after the last
3 period (.) therein this sentence: "In all cases decided against
4 the employer, he shall pay the reasonable fees of the attorney
5 for the employee, subject to approval of the amount by the
6 industrial commissioner.

7 In any appeal from the decision of the commissioner
8 to the district court or supreme court, the attorney general
9 shall appear on behalf of the commission."

EXPLANATION OF H. F. 250

There is no justification in the employer paying for an attorney to defend a decision of the industrial commissioner. The attorney general should appear for this commission in appealing cases as he does for other agencies of the State of Iowa.

Under the present Workmen's Compensation Act and Section 86.39 thereof, while the industrial commissioner must approve the attorney's fees of the employees' attorney, yet in all cases the amount thereof must be paid by the employee. This is considered unjust in cases where the employee prevails. The intent of the amendment in the foregoing bill is to protect the employee from such unjust loss in those cases where the employee prevails because in such cases he was entitled to a full compensation, had the employer paid it without litigation; otherwise experience has shown that innumerable compensable cases, especially when the amount is small, have been successfully denied by the employer because the employee either could not obtain services of counsel, or if he did so the recovery of his compensation would avail him little or nothing on account of the expense of attorney fees.